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11 Attorneys for Defendant  
12 RODNEY BUTLER

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
RODNEY BUTLER,  
Defendant.

No. 2:04-cr-19 MCE

**STIPULATED MOTION AND ORDER TO  
REDUCE SENTENCE PURSUANT TO 18  
U.S.C. § 3582(c)(2)**

RETROACTIVE DRUGS-MINUS-TWO  
REDUCTION CASE

Judge: Honorable MORRISON C. ENGLAND, JR.

Defendant, RODNEY BUTLER, by and through his attorney, Assistant Federal Defender Hannah R. Labaree, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Jason Hitt, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c)(2), this Court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. On July 31, 2007, this Court sentenced Mr. Butler to a term of 240 months imprisonment;

3. His total offense level was 37, his criminal history category was VI, and the resulting guideline range was 360 months to Life. He received a reduction from the low end of the applicable guideline range on the government's motion;

1           4. The sentencing range applicable to Mr. Butler was subsequently lowered by the  
2 United States Sentencing Commission in Amendment 782, made retroactive on July 18, 2014,  
3 see 79 Fed. Reg. 44,973;

4           5. Mr. Butler's total offense level has been reduced from 37 to 35, and his amended  
5 guideline range is 292 to 365 months. A reduction comparable to the one received at the initial  
6 sentencing produces a term of 194 months;

7           6. Accordingly, the parties request the Court enter the order lodged herewith  
8 reducing Mr. Butler's term of imprisonment to a total term of 194 months.

9           Respectfully submitted,

10           Dated: May 25, 2016

11           BENJAMIN B. WAGNER  
12           United States Attorney

13           */s/ Jason Hitt*  
14           JASON HITT  
15           Assistant U.S. Attorney

16           Attorney for Plaintiff  
17           UNITED STATES OF AMERICA

                 Dated: May 25, 2016

                 HEATHER E. WILLIAMS  
                 Federal Defender

*/s/ Hannah R. Labaree*  
                 HANNAH R. LABAREE  
                 Assistant Federal Defender

                 Attorney for Defendant  
                 RODNEY BUTLER

## 17           **ORDER**

18           This matter came before the Court on the stipulated motion of the defendant for reduction  
19 of sentence pursuant to 18 U.S.C. § 3582(c)(2).

20           The parties agree, and the Court finds, that Mr. Butler is entitled to the benefit  
21 Amendment 782, which reduces the total offense level from 37 to 35, resulting in an amended  
22 guideline range of 292 to 365 months. A reduction comparable to the one received at the initial  
23 sentencing produces a term of 194 months.

24           IT IS HEREBY ORDERED that the term of imprisonment imposed in July 2007 is  
25 reduced to a term of 194 months, a sentence that is fair and reasonable pursuant to 18 U.S.C.  
26 3553(a).

27           IT IS FURTHER ORDERED that all other terms and provisions of the original judgment  
28 remain in effect. The clerk shall forthwith prepare an amended judgment reflecting the above

1 reduction in sentence, and shall serve certified copies of the amended judgment on the United  
2 States Bureau of Prisons and the United States Probation Office.

3 Unless otherwise ordered, Mr. Butler shall report to the United States Probation Office  
4 within seventy-two hours after his release.

5 IT IS SO ORDERED.

6 Dated: June 1, 2016

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MORRISON C. ENGLAND, JR  
UNITED STATES DISTRICT JUDGE